	Case 1:16-cv-00117-SPW-CSO	Document 1-1 Filed			
1	Richard L. Swenson, #14137		DUL 2 4 2013 All		
2	12718 Gold Street Omaha, Nebraska 68144	Ву	CLERK OF DISTRICT COURT		
3			DEPUTY CLERK OF COURT		
4					
5	TERRY J. HANSON P.O. Box 578/14 N. 9 th Street				
6	Miles City, MT 59301 (406) 232-3074				
7	(406) 234-5449 Fax				
8	ATTORNEYS FOR PLAINTIFF				
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10					
11	MONTANA SIXTEENTH JUDICI	AL DISTRICT COURT	, CARTER COUNTY		
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13 14	GEORGE J. ALLISON, JR.,)			
15	Plaintiff,) Cause No. <u>DV-</u>	6-2013-17-45		
16) Hon. George W.	Huss		
17	VS.	<i>'</i>	AND DEMAND		
18	PRICE GREGORY INTERNATIONAL, INC., a Texas Corporation,) FOR JURY TR	IAL		
19	Defendant.)			
20		,			
21					
22	COMES NOW, the Plaintiff in the above entitled action and for his cause of action				
23	against the Defendant, alleges as follows:				
24		I.			
25	At all times pertinent hereto, the Defendant is a Texas Corporation, duly authorized to				
26	conduct business in the State of Montana and was conducting business under the laws of the				
27	conduct outsmoss in the state of Montana and was conducting business under the laws of the				
28	Page 1 of 4				
			EXHIBIT		

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State of Montana; the Plaintiff is a resident of the State of Nebraska.

At all times pertinent hereto, highway US 212 is in common use by the residents of Carter County and others. Said highway intersects with Secondary Road 277 which is also in common use by the residents of Carter County and others.

II.

III.

On or about August 2, 2010, at about 12:45 p.m., the Plaintiff was the owner and operator of a Harley Davidson, Electra Glide motorcycle traveling in an easterly direction on highway US 212 approaching its intersection with Secondary Road 277. The Plaintiff was following a truck tractor towing a long pipe trailer owned by the Defendant and operated by an employee of the Defendant, all while under the direction and control of the Defendant. Defendant's truck and tractor trailer, was loaded with very long sections of large diameter pipe which were overhanging past the rear of the trailer approximately 8 feet.

IV.

As the Plaintiff was following the Defendant's truck and tractor trailer, it began to turn left onto Secondary Road 277. As the Defendant's tractor and trailer executed its left hand turn, the Plaintiff steered his motorcycle to the right hand side of the eastbound lane to safely pass the tractor and trailer after it cleared the eastbound lane of traffic. Unbeknownst to the Plaintiff, the trailer being towed by the Defendant's truck tractor had a steerable rear axil. Defendant's driver employee, while making the left turn onto Secondary Road 277, through negligent errors of omission or commission, suddenly and without warning steered the rear of the trailer and its load of pipe so that it completely extended across the eastbound traffic lane and over the shoulder of

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said eastbound traffic lane.

 ٧.

The hazardous condition, created by the Defendant's aforesaid negligence, left Plaintiff with no options other than to turn to his right and lay his motorcycle on its side to avoid being struck by the pipe extending from the rear of Defendant's trailer. The combination of the steerable trailer with the pipe overhang created a foreseeable ultra hazardous condition that required warning the unsuspecting traveling public, such as the Plaintiff, of the danger by means of signs and/or flagmen. Further, the Defendant's driver employee, knew or should have known of the hidden danger posed by the combination of the steerable trailer with the pipe overhang. Defendant's driver, through errors of omission or commission negligently failed to keep a proper lookout to his rear before driving the trailer onto the eastbound traffic lane.

VI.

As a result of having to lay his motorcycle over its side as the only way to avoid the rear end of the trailer and the pipe overhang, the Plaintiff's body was thrown from the motorcycle and skidded and tumbled through the gravel on the shoulder of the road and then into the ditch for a distance of approximately 200 feet causing personal injuries to the Plaintiff as hereinafter set forth.

VII.

As the direct and proximate result of the negligence and carelessness of the Defendant, the Plaintiff sustained serious ligamentous, muscular, nerve and soft tissue damage to his torso and extremities which have caused, now cause and in the future will continue to cause severe and permanent injuries. The Plaintiff sustained a closed head, brain-bleed injury, which resulted in

Case 1:16-cv-00117-SPW-CSO Document 1-1 Filed 08/03/16 Page 4 of 7

permanent memory loss and other cranial injuries, the full extent of which remains to be determined. As a result of his injuries the Plaintiff had to be transported home by private aircraft, sustained medical expenses and incidental expenses totaling in excess of \$45,000. The Plaintiff further sustained property damage for the total loss of and loss of use of his motorcycle.

WHEREFORE, Plaintiff prays judgment against the Defendant as follows:

- 1. For a sum of money for special and general damages in the excess of the minimum jurisdiction of this Court;
- 2. For Court costs; and

3. For such other and further relief as the Court may deem just and equitable in the premises.

PLAINTIFF DEMANDS TRIAL BY JURY

DATED this 2 day of July, 2013.

Richard L. Swenson (
Attorney for Plaintiff)

	Case 1:16-cv-00117-SPW-CSO Doo	cument 1-1	Filed 08/03/16 9 Page 5 of 7) 9			
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9	MONTANA SIXTEENTH C CARTER C					
10	GEORGE J. ALLISON, JR.,		ause No. DV-6-2013-17-PI			
11	Plaintiff,					
12	VS.	Ho.	onorable Nickolas C. Murnion			
	PRICE GREGORY INTERNATIONAL, INC., a Texas Corporation.	SU	JMMONS			
14 15	Defendant.					
16	THE STATE OF MONTANA, To 1	the above r	named Defendant, Greetings:			
17						
18	To: Price Gregory International, Inc., a Texas Corporation Corporation Service Corporation You are hereby summoned to appear and answer the Complaint in this					
19	action, which is filed in the above-entitled					
1	and for the County of Carter and State of Montana, at the Carter County					
	Courthouse, Ekalaka, Montana, and to file your answer and serve a copy thereof					
77 E	upon the Plaintiff or upon either of the Plaintiff's attorney within twenty one (21)					
	days after service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for					
1	the relief demanded in the Complaint.					
25	WITNESS my hand and the seal of said Court this 18 day of May, 2016.					
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27						
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Case 1:16-cv-00117-SPW-CSO Document 1-1 Filed 08/03/16 Page 6 of 7

1			Clerk of Gourt
2	(COURT SEAL)		- Orong at Agont
3	affested	By:	_Deputy Clerk
4	Richard L. Swenson, #14137		_ 1 7
5	Richard L. Swenson, #14137 12718 Gold Street Omaha, Nebraska 68144 (402) 498-8336		
7	Terry J. Hanson		
8	Terry J. Hanson P.O. Box 578/14 N. 9 th Miles City, MT 59301 (406) 232-3074		
9	ATTORNEYS FOR PLAINTIFF		
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Date: 8/2/2016 Case 1:16-cv-00117-Sarter-County District Cart-1 Filed 08/03/16 Page TWALKER

George J. Allison vs. Price Gregory International, Inc.,

Filed: 7/24/2013

Subtype: Personal Injury/Death

Status History

Open 7/24/2013

Plaintiffs

Pl. no. 1 Allison, George J.

Attorneys

Hanson, Terry J. (Primary attorney) Send Notices

Defendants

Def. no. 1 Price Gregory International, Inc.,,

Judge History

Date Judge Reason for Removal

7/24/2013 Huss, George W. Retired
1/5/2016 Hayworth, Michael B. Recused
3/17/2016 Murnion, Nickolas C Current

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
1.000	07/24/2013	07/24/2013	Complaint and Demand for Jury Trial	Huss, George W.
2.000	08/22/2013	08/22/2013	Pro Hac Vice Application	Huss, George W.
3.000	09/05/2013	09/05/2013	Motion for Admissions Pro Hac Vice	Huss, George W.
4.000	09/06/2013	09/06/2013	Order for Admission Pro Hac Vice	Huss, George W.
5.000	03/15/2016	03/15/2016	Notice of Failure to Prosecute	Hayworth, Michael B.
6.000	05/18/2016	05/18/2016	Response to Notice of Failure to Prosecute	Murnion, Nickolas C
7.000	05/18/2016	05/18/2016	Summons: Issued	Murnion, Nickolas C
8.000	05/18/2016	05/18/2016	Summons: Summons: Issued to George J. Allison on 5/18/2016; Service Fee of \$0.00. mailed back to Terry Hanson	Murnion, Nickolas C
9.000	07/11/2016	07/11/2016	Summons: Issued	Murnion, Nickolas C